

Judge Robert S. Lasnik

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA.

Plaintiff,

V.

LUIS CHIMAL-AGUIRRE,
a/k/a Jorge Alejandro Gonzalez-Orobito,

Defendant,

and

MARIA ARACELI IBARRA,

Third Party Claimant.

No. CR14-0185RSL

STIPULATED SETTLEMENT
AGREEMENT TO REGARDING THE
CLAIM OF MARIA ARACELIA
IBARRA

MARIA ARACELI IBARRA,
Third Party Claimant.

IT IS HEREBY STIPULATED by and between Plaintiff, United States of America, by and through the undersigned counsel, and Third Party Claimant, Maria Araceli Ibarra (hereinafter sometimes referred to as “Claimant Ibarra”), by and through counsel Richard J. Troberman, to recognize Claimant Ibarra’s claim of interest to the following property:

\$8,000 in U.S. Currency, a portion of the \$26,290.00, in U.S. Currency, more or less, seized from 3501 122nd Street, Marysville, Washington, on or about March 13, 2014.

On August 29, 2014, this Court entered a Preliminary Order of Forfeiture, forfeiting Defendant Edgar Huerta's interest in the subject property, pursuant to Title 21,

1 United States Code, Section 853, for violations of Title 21, United States Code, Sections
 2 841(a)(1), 841(b)(1)(B), and 846. (*See* Docket No. 90.)

3 On September 22, 2014, this Court entered a Preliminary Order of Forfeiture,
 4 forfeiting Defendant Luis Chimal-Aguirre's interest in the subject property, pursuant to
 5 Title 21, United States Code, Section 853, for violations of Title 21, United States Code,
 6 Sections 841(a)(1), 841(b)(1)(B), and 846. (*See* Docket No. 96.)

7 Thereafter, the United States served notice upon Claimant Ibarra and all persons
 8 and entities believed to have an interest in the forfeited property pursuant to Title 21,
 9 United States Code, Section 853(n), and notice of the action was published on
 10 www.forfeiture.gov, for at least thirty (30) consecutive days, beginning with September
 11 5, 2014. (*See* Docket No. 118.)

12 On February 11, 2015, Maria Araceli Ibarra filed a Petition asserting an interest in
 13 \$8,000 in U.S. Currency, a portion of the \$26,290.00, in U.S. Currency, more or less,
 14 seized from 3501 122nd Street, Marysville, Washington, on or about March 13, 2014.
 15 (*See* Docket No. 136.)

16 No other person or entity has filed a petition asserting an interest in the subject
 17 currency and the time to do so has expired.

18 This stipulated settlement agreement is entered into between the parties pursuant
 19 to the following terms:

20 1. The parties to this Agreement hereby stipulate that Claimant Ibarra has an
 21 interest in \$8,000 in U.S. Currency, a portion of the \$26,290.00, in U.S. Currency, more
 22 or less, seized from 3501 122nd Street, Marysville, Washington, on or about March 13,
 23 2014.

24 2. Claimant Ibarra agrees that she has no claim to the remaining \$18,290.00 in
 25 U.S. Currency seized from 3501 122nd Street, Marysville, Washington, on or about
 26 March 13, 2014, and further consents to the final forfeiture of this remaining currency.

1 3. The United States and Third Party Claimant Ibarra agree to settle the
 2 Petition of Claimant Ibarra by returning the \$8,000.00 in U.S. Currency to Claimant
 3 Ibarra.

4 4. Third party Claimant Ibarra agrees to release and hold harmless the
 5 United States, the United States Department of Justice, the United States Drug
 6 Enforcement Administration, and any and all agents, servants, and employees of the
 7 United States and its agencies, acting in their individual or official capacities, from any
 8 and all claims by Claimant Ibarra, and/or her representatives, agents, heirs, successors,
 9 and assigns, which currently exist or which may arise as a result of the search and seizure
 10 of the subject currency, this forfeiture action against the subject currency.

11 5. Claimant Ibarra agrees that this stipulated settlement agreement shall
 12 constitute full settlement and satisfaction of any and all claims by Claimant Ibarra to the
 13 subject currency, resulting from the incidents or circumstances giving rise to this action.

14 6. Claimant Ibarra understands and agrees that by entering into this Settlement
 15 Agreement, she waives any right to litigate further any interest in the subject currency, or
 16 any right to petition for remission or mitigation of its forfeiture.

17 7. Claimant Ibarra understands and agrees that this Settlement Agreement
 18 does not make her a “prevailing party” in this action. Each party to the Settlement
 19 Agreement agrees to bear its own costs and attorneys’ fees.

20 8. Claimant acknowledges that the Debt Collection Improvement Act of 1996,
 21 as codified at 31 U.S.C. § 3716 and administered through the Treasury Offset Program
 22 (“TOP”), requires the United States Treasury to offset federal payments to collect certain
 23 delinquent debts owed by a payee to the United States, a United States agency, or a state.
 24 Accordingly, Claimant Ibarra acknowledges that the amount to be returned under this
 25 agreement may be reduced by the amount of any such delinquent debt that the United
 26 States Treasury is required to collect through TOP.

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9. The terms of this Settlement Agreement shall be subject to approval by the United States District Court for the Western District of Washington, and the Court shall retain jurisdiction to enforce those terms.

Respectfully submitted,

ANNETTE L. HAYES
United States Attorney

Dated: 6/9/15

s/Richard E. Cohen

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RICHARD J. TROBERMAN, P.S.

Dated: 6/9/15

s/Richard J. Troberman
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Counsel for Claimant Maria Araceli Ibarra

Dated: 6/9/15

s/Maria Araceli Ibarra
MARIA ARACELI IBARRA
Claimant

ORDER

Based upon the foregoing stipulation of the parties, this Stipulated Settlement Agreement is hereby APPROVED.

DATED this 18th day of June, 2015.

Robert S. Lasnik
Robert S. Lasnik
United States District Judge